

303 Rec'd PCT/PTO 23 NOV 1999

PCT

Docket No.: 50198-109

PATENT #7

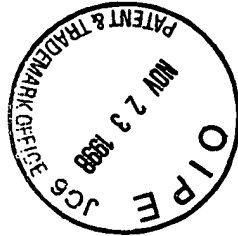
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David PASCUAL et al

Serial No.: 09/068,935

Filed: May 21, 1998



Group Art Unit:

Examiner:

FEB 12 1999

GROUP 1

For: THERAPEUTIC AND DIAGNOSTIC AGENTS FOR THE TREATMENT OF  
MICROBIAL INFECTIONS

REQUEST FOR REFUND

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

A refund in the amount of \$1,250.00 is hereby requested in the above-identified  
application for the following reason:

The applicants qualify for Small Entity Status as indicated on the attached Small Entity

Declaration.

05/12/1999 LPENDER 00000001 500417 09068935  
Please immediately credit Deposit Account number 500417 in this amount.

01 FC:201 -360.00 CH  
02 FC:202 451.00 CH  
03 FC:203 374.00 CH

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Robert L. Price

Registration No. 22,685

99 Canal Center Plaza, Suite 300  
Alexandria, Virginia 22314  
(202) 756-8600 RLP:klm  
**Date: November 23, 1998**  
Facsimile: (202) 756-8699

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

50198-109

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)

09/068,935

INTERNATIONAL APPLICATION NO.

PCT/US96/18798

INTERNATIONAL FILING DATE

November 21, 1996

PRIORITY DATE CLAIMED

November 22, 1995

TITLE OF INVENTION

THERAPEUTIC AND DIAGNOSTIC AGENTS FOR THE TREATMENT OF MICROBIAL INFECTIONS

APPLICANT(S) FOR DO/EO/US

David PASCUAL, Clifford BOND, James BURRITT, Donald BURGESS, Pati GLEE, John JUTILA, Mark JUTILA, Robert BARGATZE, Gordon MCFETERS, Barry PYLE, Jim CUTLER, Yongmoon HAN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information.  
Small Entity Declaration for a Non-Profit Organization

APPLIC. NO. (if known, see 37 CFR

INTERNATIONAL APPLICATION NO.

ATTORNEY'S DOCKET NUMBER

09/068,935

PCT/US96/18798

50198-109

## CALCULATIONS

PTO USE ONLY

- 17.
- ☐
- The following fees are submitted:

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO \$930.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) \$720.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482)  
but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$790.00Neither international preliminary examination fee (37 CFR 1.482) nor  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1070.00International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(2)-(4) \$98.00

ENTER APPROPRIATE BASIC FEE AMOUNT = \$

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)). \$

Claims

Number Filed

Number Extra

Rate

Total Claims -20 = x \$22.00 \$

Independent Claims -3 = x \$82.00 \$

Multiple dependent claim(s) (if applicable) + \$270.00 \$

TOTAL OF ABOVE CALCULATIONS = \$

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must  
also be filed. (Note 37 CFR 1.9, 1.27, 1.28). \$

SUBTOTAL = \$

Processing fee of \$130.00 for furnishing the English translation later than the ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)). + \$

TOTAL NATIONAL FEE = \$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$

TOTAL FEES ENCLOSED = \$

Amount to be:  
refunded \$

charged \$

- a. ☐ A check in the amount of \$ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500417. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

McDERMOTT, WILL & EMERY  
99 Canal Center Plaza, Suite 300  
Alexandria, VA 22314  
(202) 756-8600  
Facsimile (202) 756-8699

SIGNATURE

Robert L. Price  
NAME

22,685  
REGISTRATION NUMBER

November 23, 1998  
DATE